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**NOTICE OF ALLOWANCE AND ISSUE FEE DUE**

18M1/1016

E JOSEPH GESS  
BURNS DOANE SWECKER & MATHIS  
P O BOX 1404  
ALEXANDRIA VA 22313-1404

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/487,550	06/07/95	011	GAMBEL, P	1806 10/16/97
First Named Applicant	ANDERSON, DARRELL R.			

TITLE OF INVENTION HUMAN B7.1-SPECIFIC PRIMATIZED ANTIBODIES AND TRANSFECTOMAS EXPRESSING SAID ANTIBODIES (AS AMENDED)

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1	012712-131	424-133.100	T14 UTILITY	YES	\$660.00	01/16/98

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

- I. Review the SMALL ENTITY status shown above.  
If the SMALL ENTITY is shown as yes, verify your current SMALL ENTITY status:
  - A. If the status is changed, pay twice the amount of the FEE DUE shown and notify the Patent and Trademark Office of the change in status, or
  - B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

- II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "6b" of Part B should be completed.

All communications regarding this application must give application number and batch number.  
Please direct all communication prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**



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Washington, D.C. 20231

APPLICATION NUMBER 08/487,550	FILED DATE 06/07/95	FIRST NAMED APPLICANT ANDERSON	ATTORNEY DOCKET NO. D 012712-131
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18M1/1016

EXAMINER  
GAMBEL, P

ART UNIT  
1806

PAPER NUMBER  
18

DATE MAILED:

10/16/97

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

- ☒ This communication is responsive to PAPER NO.
- ☒ The allowed claim(s) is/are 27-37
- ☐ The drawings filed on \_\_\_\_\_ are acceptable.
- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- ☒ Applicant MUST submit NEW FORMAL DRAWINGS
- ☐ because the originally filed drawings were declared by applicant to be informal.
- ☐ including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 8.
- ☐ including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.
- ☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

- ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 9, 12
- ☐ Notice of Draftperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Interview Summary, PTO-413
- ☒ Examiner's Amendment/Comment
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☒ Examiner's Statement of Reasons for Allowance

### DETAILED ACTION

1. Applicant's amendment, filed 7/7/97 (Paper No. 11) is acknowledged.  
Claims 1-4 and 15-20 have been canceled.  
Claims 5-14 have been amended  
Claims 21-26 have been added.
2. Applicant's amendment, filed 10/9/97 (Paper No. 14), is acknowledged.  
Claims 5-14 and 21-26 have been canceled.  
Claims 27-37 have been added.

### EXAMINER'S AMENDMENT

3. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.
4. Authorization for this Examiner's Amendment was given in a telephone interview with Robin Teskin on 10/9/97.
5. Amend claim 27, line 2, by replacing "which" with:  
-- wherein said antibody -- .
6. Amend, claim 27, line 3, by deleting "which also".
7. Amend claim 29, line 2, by replacing "which" with:  
-- wherein said antibody -- .
8. Amend, claim 29, line 3, by replacing "which further comprises" with:  
-- contains -- .
9. Amend claim 31, line 2, by replacing "which" with:  
-- wherein said antibody -- .
10. ~~Amend claim 29, line 3, by deleting "which further".~~
11. Replace the title with:  
-- HUMAN B7.1-SPECIFIC PRIMATIZED ANTIBODIES AND TRANSFECTOMAS EXPRESSING SAID ANTIBODIES -- .

### REASONS FOR ALLOWANCE

12. The following is an Examiner's Statement of Reasons for Allowance:

Upon reconsideration of applicant's amended claims to particular antibody species and arguments that the amino acid structure of the instant B7.1-specific antibody species are distinguished over the prior art, filed 7/7/97 (Paper No. 11) and 10/9/97 (Paper No. 14); the previous rejections under 35 USC § 112, first and second paragraphs, and 103, have been withdrawn. The instant primatized antibodies are deemed structurally distinct on the primary amino acid basis; therefore the antibodies and the corresponding transfectomas expressing said antibodies are free from the prior art.

Applicant's assertions that the instant primatized antibodies should be useful as therapeutic agents in treating diseases involving human B7.1/CD28 interactions (Paper No. 11) is acknowledged. However, the previous rejection under 112, first paragraph, rejection as it relates to pharmaceutical compositions and methods of treatment (Paper No. 8) is considered moot in view of applicant's amended and canceled claims (Paper Nos. 11 and 14).

### OTHER ISSUES

13. Formal drawings have been submitted which fail to comply with 37 CFR 1.84. Please see the form PTO-948 previously sent in Paper No. 8.

Applicant is reminded to change the Brief Description of the Drawings in accordance with these changes (see 7. Views).

14. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (703) 308-3997. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lila Feisee can be reached on (703) 308-2731. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1800 receptionist whose telephone number is (703) 308-0196.

Serial No. 08/487550  
Art Unit 1806


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Papers related to this application may be submitted to Group 1800 by facsimile transmission. Papers should be faxed to Group 1800 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 305-3014 or (703) 308-4242.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [lila.feisee@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Phillip Gambel, Ph.D.  
Patent Examiner  
Group 1800  
October 10, 1997



Lila Feisee  
Supervisory Patent Examiner  
Group 1800